



Reprinted
February 13, 2001

SENATE BILL No. 106

DIGEST OF SB 106 (Updated February 12, 2001 2:27 PM - DI 71)

Citations Affected: IC 20-8.1; noncode.

Synopsis: Public school scholarship program. Establishes a public elementary and secondary school scholarship program. Allows the parent of a public school student to request a scholarship for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Provides an allocation of public funds for scholarship students between the base school corporation and the receiving school corporation, and provides that the parent is responsible for any additional costs. Requires the parent to provide student transportation. Provides that the laws concerning transfer students, including court ordered transfer students, do not apply to a student who attends a public school outside the student's base school corporation under the public elementary and secondary school scholarship program. Provides that if adjoining school corporations enter into an interlocal agreement under which students may attend school in the adjoining school corporations, the terms of the interlocal agreement, rather than transfer tuition statutes, govern the payment of costs.

Effective: July 1, 2001.

Kenley

January 8, 2001, read first time and referred to Committee on Education.
February 8, 2001, reported favorably — Do Pass.
February 12, 2001, read second time, amended, ordered engrossed.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 106

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-1-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. As used in this article,**
4 **"ADM" has the meaning set forth in IC 21-3-1.6-1.1.**

5 SECTION 2. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. This chapter does not apply**
8 **to a student who under:**

9 (1) **section 14 of this chapter; or**
10 (2) **the public elementary and secondary school scholarship**
11 **program (IC 20-8.1-14);**

12 **attends a public school that is outside the school corporation where**
13 **the student has legal settlement.**

14 SECTION 3. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2001]: **Sec. 14. (a) The governing body of a**
17 **school corporation may enter into an interlocal agreement under**

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IC 36-1-7 with the governing body of an adjoining school corporation under which a student whose legal settlement is in the school corporation may attend school in the adjoining school corporation.

(b) If a student attends school in an adjoining school corporation under an interlocal agreement described in subsection (a):

(1) the provisions of this chapter and IC 20-8.1-6.5 concerning transfer tuition do not apply; and

(2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply.

SECTION 4. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. This chapter does not apply to a student who under:**

(1) IC 20-8.1-6.1-14; or

(2) the public elementary and secondary school scholarship program (IC 20-8.1-14);

attends a public school that is outside the school corporation where the student has legal settlement.

SECTION 5. IC 20-8.1-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 14. Public Elementary and Secondary School Scholarship Program

Sec. 1. As used in this chapter, "base school corporation" means the school corporation where a student has legal settlement (as defined in IC 20-8.1-1-7.1).

Sec. 2. As used in this chapter, "program" refers to the public elementary and secondary school scholarship program.

Sec. 3. As used in this chapter, "public school" has the meaning set forth in IC 20-10.1-1-2.

Sec. 4. As used in this chapter, "scholarship" refers to a scholarship under the program.

Sec. 5. The public elementary and secondary school scholarship program is established.

Sec. 6. On a date the department specifies that falls before the beginning of a school year, the department shall grant scholarships and renewal scholarships under this chapter.

Sec. 7. (a) The department shall grant a scholarship to a student who meets the following requirements:

(1) The student's parent requests a scholarship for the

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student.

(2) The student's parent selects a school for the student to attend under the scholarship program.

(3) The school is a public school in Indiana that is:

(A) in the student's base school corporation but is a different school from the school where the school corporation has assigned the student; or

(B) not a school in the student's base school corporation.

(4) Except as provided in section 13(b) of this chapter, the principal of the school and the superintendent of the school corporation where the school is located jointly agree to enroll the student in the school.

(b) The department shall grant a renewal scholarship to a student who meets the following requirements:

(1) The student previously received a scholarship in any year.

(2) The requirements of subsection (a) are met.

(c) The department may not grant a scholarship to a student who wishes to enroll in a school primarily for athletic reasons.

Sec. 8. Not later than April 1 before the beginning of a school year for which a parent seeks enrollment of a student under the scholarship program, the student's parent shall notify the superintendent of the school corporation in which the parent seeks to have the student enroll of the parent's request to have the student enrolled.

Sec. 9. (a) The superintendent of a school corporation where a parent seeks enrollment of a student under the scholarship program:

(1) is not required to enroll the student; and

(2) may not enroll the student if enrollment will cause the school corporation to be out of compliance with a court order, including a court order described in IC 20-8.1-6.5-1.

(b) A superintendent may not refuse to enroll a student in violation of IC 20-8.1-2.

(c) A superintendent shall notify a parent who makes a request under section 8 of this chapter of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment under section 8 of this chapter.

Sec. 10. The following apply when a student uses a scholarship to enroll in a school in the student's base school corporation:

(1) There is no monetary scholarship award.

(2) There is no change in:

(A) the ADM of the school corporation; or

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(B) state assistance to the school corporation.

(3) The school corporation is not required to provide transportation for the student.

Sec. 11. The following apply when a student uses a scholarship to enroll in a school that is not a school in the student's base school corporation:

(1) The amount of the scholarship award is fifty percent (50%) of the state aid per ADM provided under IC 21-3 to the student's base school corporation.

(2) The student remains in the ADM of the student's base school corporation until the earlier of the following:

(A) The date the student graduates from a high school.

(B) The date of the end of the school year during which the student becomes eighteen (18) years of age.

(3) The school that enrolls the student may not include the student in the school's ADM.

(4) The department shall do the following:

(A) Pay the amount of the scholarship to the school that enrolls the student.

(B) Deduct the amount of the scholarship from the distribution of state aid to the student's base school corporation.

(5) The parent of the student is responsible for all costs of the student to attend the school that exceed the amount of the scholarship.

(6) The student's base school corporation and the school corporation that enrolls the student are not responsible for providing transportation for the student.

Sec. 12. Except as provided in section 13(b) of this chapter, at the end of each school year the superintendent of the school corporation that enrolls a student under the program and the principal of the school the student attends shall jointly:

(1) determine whether to enroll the student for the following school year; and

(2) inform the department of the decision.

Sec. 13. (a) The governing body of a school corporation may adopt a policy that sets guidelines to be used in determining whether:

(1) to accept a student for enrollment under the program; and

(2) to continue a student's enrollment under the program.

(b) Notwithstanding sections 7(a)(4) and 12 of this chapter, a policy adopted under this section may provide that the governing



1 body makes a determination of whether to enroll a student or
2 continue a student's enrollment under the program.

3 Sec. 14. For purposes of accountability for performance and
4 assessing school improvement under IC 20-10.2, a student who
5 transfers to a school under the program is included as a student in
6 the school to which the student transferred.

7 Sec. 15. The department shall establish procedures for the
8 administration of this chapter.

9 Sec. 16. The department may adopt rules under IC 4-22-2 to
10 implement and administer the program.

11 SECTION 6. [EFFECTIVE JULY 1, 2001] (a) As used in this
12 SECTION, "department" has the meaning set forth in
13 IC 20-8.1-1-17.

14 (b) As used in this SECTION, "school year" has the meaning set
15 forth in IC 20-10.1-2-1.

16 (c) The department shall grant scholarships under IC 20-8.1-14,
17 as added by this act, beginning with the 2002-2003 school year.

18 (d) This SECTION expires July 1, 2004.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 106 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 5, Nays 4.

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SENATE MOTION

Mr. President: I move that Senate Bill 106 be amended to read as follows:

Page 1, line 8, after "under" insert ":".

Page 1, line 8, before "the" begin a new line block indented and insert:

**"(1) section 14 of this chapter; or
(2)".**

Page 1, line 9, after "(IC 20-8.1-14)" insert ";".

Page 1, line 9, before "attends" begin a new line blocked left.

Page 1, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 3. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14. (a) The governing body of a school corporation may enter into an interlocal agreement under IC 36-1-7 with the governing body of an adjoining school corporation under which a student whose legal settlement is in the school corporation may attend school in the adjoining school corporation.**

(b) If a student attends school in an adjoining school corporation under an interlocal agreement described in subsection (a):

(1) the provisions of this chapter and IC 20-8.1-6.5 concerning transfer tuition do not apply; and

(2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply."

Page 1, line 15, after "under" insert ":".

Page 1, line 15, before "the" begin a new line block indented and insert:

**"(1) IC 20-8.1-6.1-14; or
(2)".**

Page 1, line 16, after "(IC 20-8.1-14)" insert ";".

Page 1, line 16, before "attends" begin a new line blocked left.

Page 4, between lines 25 and 26, begin a new paragraph and insert:
"Sec. 14. For purposes of accountability for performance and assessing school improvement under IC 20-10.2, a student who transfers to a school under the program is included as a student in the school to which the student transferred."

Page 1, line 26, delete "14." and insert "15."

Page 1, line 28, delete "15." and insert "16."

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Renumber all SECTIONS consecutively.

(Reference is to SB 106 as printed February 9, 2001.)

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